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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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March 5, 2007

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Dr. H. Vann Craig, M.D.
Executive Director
Mississippi State Board of Medical Licensure
Cypress Ridge Building
1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216

Dear Dr. Craig:

Over the last two years, the Committee on Energy and Commerce has investigated certain public health issues identified by a federal judge in her opinion, In Re: Silica Products Liability Litigation, MDL Docket No. 1553 (S.D. Tex., June 30, 2005).

Both the Committee's investigation and the Court's opinion in In Re: Silica revealed information about how physicians and medical screening companies generated thousands of questionable diagnoses of silicosis in support of personal injury lawsuits. Often, the patients who received these diagnoses did not receive appropriate followup care. Some of the physicians who participated in the mass screenings, including James Ballard, M.D., who is licensed in the State of Mississippi, invoked their Fifth Amendment right against self-incrimination and refused to testify in response to the Committee's questions. Other physicians who participated in these screenings and testified before the Committee, such as Glynn Hilbun, M.D., who is also licensed in Mississippi, claimed that they never intended to render a diagnosis of silicosis. Still others claimed that a doctor-patient relationship was not formed in the context of the silicosis screenings.

When your predecessor, the late Dr. Mallon Morgan, testified on June 6, 2006 before the Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, he quoted a policy adopted by the Mississippi State Board of Medical Licensure (hereinafter, "Board") and stated that:

[i]t is the opinion of the Mississippi State Board of Medical Licensure that any medical act that results in a written or documented medical opinion, order, or recommendation that potentially affects the subsequent diagnosis or treatment of a patient constitutes the practice of medicine in this State. Further, any physician who renders such a medical opinion, order, or recommendation assumes a doctor/patient relationship with the patient and is responsible for continuity of care with that patient. Failure to provide this continuity of care will be deemed to be unprofessional conduct.

We understand that the Board has initiated, or plans to initiate, an investigation of three physicians who are licensed in the State of Mississippi and who were identified by the American Medical Association ("AMA") in a letter to the Board regarding the silicosis screenings, as well as two radiologists who participated in the screenings.

Accordingly, we write to learn what actions the Board has taken with respect to its investigation of those physicians, any other physicians, or other individuals who participated in the mass screenings for silicosis or rendered a diagnosis, opinion, order, or recommendation with regard to those screenings. Specifically, we seek to know:

1. All actions, inquiries, or investigations your organization undertook in response to the AMA's request that you investigate the issues or matters arising from the mass screenings for and diagnoses of silicosis and In re: Silica Products Liability Litigation, MDL Docket No. 1553 (S.D. Tex.).
2. Any written complaints, disciplinary proceedings, reviews or disciplinary action including, but not limited to, investigations, inquiries, specific correspondence to (not to include any general Board mailings), specific correspondence from, and Board decisions not to pursue disciplinary action, with regard to:
 - a. Robert Altmeyer, M.D.;
 - b. James Ballard, M.D.;
 - c. Kevin Cooper, M.D., M.P.H.;
 - d. Todd Coulter, M.D.;
 - e. Andrew W. Harron, D.O.;
 - f. Ray A. Harron, M.D.;
 - g. Glynn Hilbun, M.D.;
 - h. Richard B. Levine, M.D.;
 - i. Barry S. Levy, M.D., M.P.H., P.C.;
 - j. George Martindale, M.D.
 - k. W. Allen Oaks, M.D.;
 - l. Jay T. Segarra, M.D.;
 - m. Heath Mason or N&M;
 - n. Charlie Foster or RTS a/k/a Respiratory Testing Services;
 - o. Jeffrey Guice or Occupational Diagnostics; or
 - p. David M. Miller or Inner Visions.

3. Any actions, inquiries, investigations, or reviews including, but not limited, to any disciplinary actions taken by the Board in response to matters related to the work, consulting, or any other such services, done on behalf of screening companies by physicians licensed in your State.
4. Any actions, inquiries, investigations, or reviews including, but not limited, to any disciplinary actions taken by the Board in response to matters related to the work, consulting, or any other such services, done on by physicians licensed in your State and acting, in whole or in part, as a NIOSH certified B-reader.
5. Any changes or proposed changes made since June 1, 2006 to your State's statutes, regulations, or codes concerning the work, consulting, or any other such services done on behalf of screening companies by physicians licensed in your State.

We would appreciate a written response by April 2, 2007.

If you have any questions, please contact Karen E. Christian, Minority Counsel for Oversight and Investigations, at (202) 225-3641.

Sincerely,



Joe Barton
Ranking Member
Committee on Energy
and Commerce



Ed Whitfield
Ranking Member
Subcommittee on Oversight
and Investigations